

## **REMARKS**

This is a full and timely response to the outstanding non-final Office Action mailed June 15, 2005. Claims 21 - 37 remain pending. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

### **In the Drawings**

Applicants acknowledge that the drawings have been accepted.

### **Obviousness-Type Double-Patenting Rejection**

The Office Action indicates that claims 21 - 37 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 - 20 of U.S. Patent Number 6,650,562. In this regard, Applicants submit a terminal disclaimer pursuant to 37 C.F.R. §1.321(c). Applicants have submitted the terminal disclaimer solely to advance prosecution, without conceding that the double patenting rejection is properly based. In filing the terminal disclaimer, Applicants rely upon the ruling of the Federal Circuit that the filing of such a terminal disclaimer does not act as an admission, acquiescence, or estoppel on the merits of the obviousness issue. *Quad Environmental Tech v. Union Sanitary Dist.*, 946 F.2d 870, 874-875 (Fed. Cir. 1991). Therefore, Applicants respectfully request that the rejection be removed and that the pending claims be placed in condition for allowance.

The Office Action also indicates that claims 21 - 37 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims U.S. Application Number 10/609278. In this regard, Applicants acknowledge the provisional nature of the rejection and respectfully assert that, as such, the pending claims of this application should be permitted to proceed to issuance.

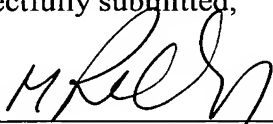
**Cited Art Made of Record**

The cited art made of record has been considered, but is not believed to affect the patentability of the presently pending claims.

**CONCLUSION**

In light of the foregoing amendments and for at least the reasons set forth above, Applicants respectfully submit that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,



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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on 8/22/05.

Stephanie Riley  
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Signature